



George Latimer
County Executive

John M. Nonna
County Attorney

September 2, 2022

Hon. Philip M. Halpern, U.S.D.J.
The Hon. Charles L. Brient Jr.
Federal Building and Courthouse
300 Quarropas Street, Room 530
White Plains, NY 10601
Via ECF

Re: *Doe v. County of Westchester, et al.*, 22-cv-06950 (PMH)

Dear Judge Halpern:

I am the County Attorney for the County of Westchester. I have appeared for the County of Westchester, George Latimer, Westchester County Department of Public Safety, and Terrance Raynor (collectively, "County Defendants") for the limited purpose of responding to several pre-motion letters filed by the Plaintiffs in this matter. As stated in my notice of appearance, the County Defendants have not been served with the summons and complaint.

In order for Plaintiffs to obtain a preliminary injunction against the County Defendants, they must establish jurisdiction, including personal jurisdiction. *Dandong v. Pinnacle Performance Ltd.*, 966 F. Supp. 2d 374, 381 (S.D.N.Y. 2013) (citations omitted). For a court to have personal jurisdiction, "[f]irst, the plaintiff's service of process upon the defendant must have been procedurally proper." *Licci v. Lebanese Canadian Bank, SAL*, 673 F.3d 50, 59 (2d Cir. 2012) (citations omitted). As the County Defendants have not been served, personal jurisdiction has not been established.

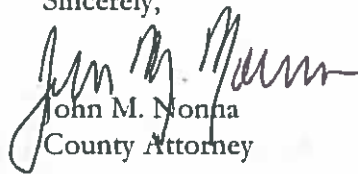
Given that the Court as yet lacks personal jurisdiction over the County Defendants, Plaintiffs' request for a pre-motion conference for a preliminary injunction motion should be denied as

premature. Alternatively, we respectfully request that the Court hold the request in abeyance until service has been effectuated and allow County Defendants to respond to the letter within five (5) business days following proper service of process on the County Defendants.

Similarly, Plaintiffs' request to file an oversized brief is premature as this Court has not yet held a pre-motion conference nor given Plaintiffs permission to file their proposed motion. As to the request, County Defendants believe this matter can be briefed within the Court's limit, but leave it to the Court's discretion to determine the length of briefs to be filed on any motion.

Thank you for Your Honor's attention to this matter.

Sincerely,



John M. Nonna
County Attorney

Cc: Christopher A. Ferrara (via ECF)
Brian Powers (via e-mail)
John Callahan (via e-mail)